

PATENT APPLICATION

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q89072

Kazuya TAKENOUCHI, et al.

Appln. No.: 10/542,635

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: July 19, 2005

For:

CRYSTAL OF (23S)-1α-HYDROXY-27-NOR-25-METHYLENEVITAMIN D₃-26,23-

LACTONE AND PROCESS FOR PRODUCTION THEREOF

<u>UNDER 37 C.F.R. §§ 1.97 and 1.98</u>

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

All of the references cited are listed in the last paragraph on page 1 of the subject application.

Q89072

The present Information Disclosure Statement is being filed no later than three months from the application's filing date, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Registration No. 30,951

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WASHINGTON OFFICE 23373
CUSTOMER NUMBER

Date: October 11, 2005

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| Substitute for Form 1449 A & B/PTO | | | C ete if Known | | |
| | | | Application Number | 10/542,635 | |
| INFO | RMATION | DISCLOSURIP E | Confirmation Number | Not Yet Assigned | |
| | | Y APPLICANT | Filing Date | July 19, 2005 | |
| | | 1 | First Named Inventor | Kazuya TAKENOUCHI | |
| (use | as many sheet | s as necessary) OCI 11 2005 | Art Unit | Not Yet Assigned | |
| <u> </u> | | / OCI 1 | Examiner Name | Not Yet Assigned | |
| Sheet | 1 | of the | Attorney Docket Number | Q89072 | |
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| U.S. PATENT DOCUMENTS | | | | | |
|-------------------------------|------|-------------|-----------------------------------|------------------|---|
| Examiner Cite Initials* No. 1 | Cite | Document No | | Publication Date | |
| | No.1 | Number | Kind Code ² (if known) | MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|------------------------------|-------------------------|------------------------------|---------------------|-----------------------------------|---------------------|--|--------------------------|
| Examiner Cite Initials* No.1 | Foreign Patent Document | | | Publication Date | Name of Patentee or | | |
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | MM-DD-YYYY | Applicant of Cited Document | Translation ⁶ |
| | | WO | 00/24712 | A1 | 05-04-2000 | Teijin Limited | Abstract |
| | | wo | 02/15894 | A2 | 02-28-2002 | Teijin Limited University of Texas, Health | |
| | | WO | 02/217911 | Al | 03-07-2002 | Teijin Limited | Abstract |
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¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.